

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	:	No. 4:17-CV-01365
	:	
Plaintiff,	:	(Judge Brann)
	:	
v.	:	
	:	
ELIZABETH SANTOS-SIMON,	:	
	:	
Defendant.	:	

MEMORANDUM OPINION

OCTOBER 31, 2017

FINDINGS:

1. On August 2, 2017, Plaintiff, the United States of America, filed its Complaint in this action against the Defendant, Elizabeth Santos-Simon. ECF No. 1;
2. Service of the operative Summons and Complaint was personally made upon the Defendant in accordance with Federal Rule of Civil Procedure 4(e). ECF No. 5 Ex. 2;
3. The Defendant has failed to timely answer Plaintiff's Complaint;
4. On October 3, 2017, the Clerk of Court entered Default as to the Defendant. ECF No. 8;

5. On October 3, 2017, Plaintiff moved for entry of Default Judgment as to the claims advanced in its Complaint against the Defendant. ECF No. 5;
6. The Defendant has failed to make an appearance in this action;
7. Plaintiff's claim is for \$ 146,833.46 plus interest accruing upon the unpaid balance at a daily rate of \$ 16.10 due on a July 14, 2003 loan from the United States Department of Agriculture in the principal amount of \$113,500.00, ECF No. 1 at 2-3;
8. Accordingly, Plaintiff's claim "is for a sum certain or a sum that can be made certain by computation" as contemplated by Federal Rule of Civil Procedure 55(b)(1);
9. Counsel for Plaintiff swears that, upon reasonable investigation, the Defendant is not believed to be presently in the military service of the United States. ECF No. 7;
10. On October 6, 2017, this Court issued a Notice and Order to Show Cause, ECF No. 9, directing as follows:

IT IS HEREBY ORDERED that the Defendant, within twenty-one (21) days of this Notice and Order to Show Cause and no later than **October 27, 2017 at 5:00 p.m.**, shall **SHOW CAUSE** as to why this Court should not grant Plaintiff's Motion for Default Judgment. In the event that the Defendant fails to show cause, the Defendant is **NOTICED** that this Court will grant Plaintiff's Motion for Default Judgment in full and will immediately award Plaintiff the entirety of the relief it seeks.

11. In that same Order, the Court further directed the Clerk of Court to mail a copy of the same to the Defendant at the following address of record:

Elizabeth Santos-Simon
3760 Mountain Shadow Drive
Fayetteville, PA 17222

12. The Clerk mailed a copy of the Notice and Order to Show Cause as directed. ECF No. 10;
13. As of today's date, no response has been received from Defendant.

CONCLUSION:

Plaintiff, the **UNITED STATES OF AMERICA**, is entitled to the entry of default judgment, the Defendant, **ELIZABETH SANTOS-SIMON**, having failed to show cause and having been noticed that this Court will grant Plaintiff's Motion for Default Judgment in full and will immediately award Plaintiff the entirety of the relief it seeks in the event of such failure. Accordingly, Plaintiff's Motion for Default Judgment, ECF No. 5, is **GRANTED**. An appropriate Order shall issue.

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
United States District Judge